

E-Filed 1/24/14

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WILLIE WEAVER,
Plaintiff,

No. C 13-5828 RS (PR)

ORDER OF DISMISSAL

v.

MAINTENANCE CREW CAPTAIN OF
PELICAN BAY STATE PRISON, et al.,
Defendants.

Plaintiff has failed to comply with the Court's order to (1) file a complete application to proceed *in forma pauperis* ("IFP"), or (2) pay the full filing fee of \$350.00. Plaintiff's IFP application is incomplete because it does not contain a Certificate of Funds signed by an authorized prison officer nor a prison trust account statement detailing transactions for the last six months. Accordingly, the action is DISMISSED without prejudice for failing to respond to the Court's order, and for failure to prosecute, *see* Fed. R. Civ. P. 41(b). Because this dismissal is without prejudice, plaintiff may move to reopen the action. Any such motion must contain (1) a complete IFP application, including the 2 documents listed above, or (2) full payment for the filing fee of \$350.00. Plaintiff's IFP application (Docket No. 3) is DENIED without prejudice. The Clerk shall enter judgment in favor of defendants, terminate Docket No. 3, and close the file.

IT IS SO ORDERED.

DATED: January 24, 2014


RICHARD SEEBORG
United States District Judge

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